

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

WALLACE JOSEPH DESMARAIS JR.,  
Individually and on Behalf of All Others  
Similarly Situated,

Plaintiff,

v.

MONICA N. JOHNSON, FRED E.  
DURHAM III, BRAD W. BUSS, PATRICK  
J. CONNOLLY, MICHAEL DEARING,  
DOUGLAS M. LEONE, BOB MARINO,  
J.P. MORGAN SECURITIES LLC,  
JEFFERIES & COMPANY, INC., COWEN  
AND COMPANY, LLC, JANNEY  
MONTGOMERY SCOTT LLC,  
RAYMOND JAMES & ASSOCIATES, INC.  
and CAFEPRESS INC.,

Defendants.

No. C 13-03666 WHA

**ORDER RE STIPULATION  
TO CONSOLIDATE CASES AND  
DEFER RESPONSES TO  
COMPLAINTS**

The proposed joint stipulation and order for consolidation is **DENIED**. The later filed action, *Hussain Jinnah v. Cafepress Inc. et al*, Case No. 13-03668, will be related and reassigned to the undersigned judge. For the time being, the two cases will remain separate and will not be consolidated.

Defendants need not answer or otherwise respond to plaintiffs' complaints until the motion to remand has been decided. Plaintiffs shall file their motions to remand on the following schedule:

- Opening briefs due September 3.
- Opposition briefs due September 17.

- Reply briefs due September 24.
- Hearing at **8 AM ON OCTOBER 17**.

Pursuant to 15 U.S.C. 77z-1(a)(2), plaintiffs shall each file a certification by **NOON ON AUGUST 27**. In addition, pursuant to 15 U.S.C. 77z-1(a)(3)(A), plaintiff Wallace Joseph Desmarairs, Jr. shall publish forthwith “in a widely circulated national business-oriented publication or wire service, a notice advising members of the purported plaintiff class — (I) of the pendency of the action, the claim asserted therein, and the purported class period; and (II) that, not later than 60 days after the date on which the notice is published, any member of the purported class may move the court to serve as lead plaintiff of the purported class.” By **NOON ON AUGUST 29**, please file a copy of the notice of publication. The date on which the notice was published should be clearly indicated.

At this time, there is no need to appoint lead counsel. If the cases stay in federal court, a schedule will be set to address issues of consolidation and appointment of lead plaintiff.

All counsel must be mindful of the notice regarding factors to be evaluated for any proposed class settlement. Finally, please do not ask for extensions of the above schedule.

**IT IS SO ORDERED.**

Dated: August 20, 2013.



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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE